

Bronx and Brooklyn, NY

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

ACTION ENVIRONMENTAL SYSTEMS, LLC,
ACTION ENVIRONMENTAL SOLUTIONS, LLC,
and ACTION CARTING ENVIRONMENTAL
SERVICE, INC.

Employer

and

Case 02-RC-126999

WASTE MATERIAL RECYCLING & GENERAL
INDUSTRIAL LABORERS LOCAL 108, LIUNA
Petitioner

and

LOCAL 660, UNITED WORKERS OF AMERICA
Intervenor

DECISION AND CERTIFICATION OF REPRESENTATIVE

The National Labor Relations Board, by a three-member panel, has considered an objection to an election held on June 13, 2014, and the hearing officer's report recommending disposition of it. The election was conducted pursuant to a Decision and Direction of Election. The tally of ballots shows 40 for the Petitioner, 21 for the Intervenor, and 1 against participating labor organizations.

The Board has reviewed the record in light of the exceptions and brief, has adopted the hearing officer's findings¹ and recommendations, and finds that a certification of representative should be issued.

¹ The Intervenor has excepted to some of the hearing officer's credibility findings. The Board's established policy is not to overrule a hearing officer's credibility resolutions unless the clear

CERTIFICATION OF REPRESENTATIVE

IT IS CERTIFIED that a majority of the valid ballots have been cast for Waste Material Recycling & General Industrial Laborers Local 108, LIUNA, and that it is the exclusive collective-bargaining representative of the employees in the following appropriate unit:

INCLUDED: All full-time and regular part-time laborers, pickers, sorters, traffic controllers, mechanics, mechanic helpers, equipment operators, welders, recycling drivers and helpers, roll off drivers, tractor trailer drivers and painters at the following locations: 315 Casanova Street, Bronx, NY; 400 Casanova Street, Bronx, NY; and 941 Stanley Avenue, Brooklyn, NY.

EXCLUDED: All other employees, including the billing clerk/cash management and accounts receivable position, guards, and professional employees and supervisors as defined in the Act.

Dated, Washington, D.C., October 16, 2014.

Mark Gaston Pearce,	Chairman
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Harry I. Johnson, III,	Member
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Nancy Schiffer,	Member
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(SEAL)

NATIONAL LABOR RELATIONS BOARD

preponderance of all the relevant evidence convinces us that they are incorrect. *Stretch-Tex Co.*, 118 NLRB 1359, 1361 (1957). We have carefully examined the record and find no basis for reversing the findings. Although Member Schiffer agrees that reversal of the hearing officer's credibility findings is not warranted, she observes that a witness's refusal to answer questions may or may not indicate a lack of candor, depending, in large part, on the appropriateness of the questions.